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*d/b/a The D Las Vegas*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

JOHN MEGGS,

Plaintiff,

v.

CIRCA HOSPITALITY GROUP II, LLC  
D/B/A THE D LAS VEGAS

Defendants

Case No.: 2:23-cv-01117-RFB-MDC

**STIPULATION TO  
EXTEND INITIAL EXPERT  
DISCLOSURE DEADLINE BY ONE  
WEEK**

**(Third Request)**

Under Local Rule (“LR”) 26-3 and LR IA 6-1, Plaintiff John Meggs, by and through his counsel of record—Anthony Perez and Robert Spretnak—and Defendant Circa Hospitality Group II, LLC d/b/a The D Las Vegas (“The D Las Vegas”), by and through its counsel of record—the law firm of Dickinson Wright PLLC—hereby stipulate and agree to extend the initial expert disclosure deadline from the Court’s recent Order Re-Opening Discovery (ECF No. 22) in the existing case schedule by **7 days**. This extension will allow the parties time for their experts to review materials and submit their reports. This is the parties’ third Stipulation to extend the case schedule.

**I. Introduction**

On May 10, 2024, the Court denied the parties' Second Stipulation to Extend Discovery Deadlines (ECF No. 21) but re-opened discovery. ECF No. 22. In its Order, the Court set the Initial Expert Disclosure deadline as May 28, 2024. For the Court's awareness, the parties have been cooperating with one another in good faith to move discovery forward, and progress is being made on that front. Indeed, since the Court's Order was filed, Plaintiff has propounded written discovery requests on Defendant, and Defendant has re-served deposition notices on Plaintiff. That being said, due to the limited timespan between May 10 and May 28 and the Memorial Day holiday (affecting experts' availability), the parties need a few additional days to finalize initial experts' reports. Importantly, pushing back this single deadline will not affect any other discovery deadlines in this case and will not cause any delays.

**II. Legal Standard**

A stipulation to extend discovery dates must be supported by good cause. LR 26-3. Such motions must include: "(a) A statement specifying the discovery completed; (b) A specific description of the discovery that remains to be completed; (c) The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and (d) A proposed schedule for completing all remaining discovery." *Id.*

**III. Argument****A. Completed Discovery**

LR 26-3 requires that a stipulation to extend discovery include a statement specifying the discovery completed thus far in the case. Under FRCP 26(a)(3), the parties have exchanged initial disclosures. The D Las Vegas served its disclosures on November 16, 2023, and Meggs served his on November 30, 2023. Additionally, each party disclosed one initial expert witness and served an initial expert report on February 1, 2024. On May 16, 2024, The D Las Vegas served its Second-Amended Notices of Depositions for Meggs and his expert, Gene Mattera. The parties are in the process of coordinating mutually agreeable dates for both depositions. Further, on May 23, 2024, Meggs propounded his First Set of Interrogatories, Requests for Production, and Requests for Admission upon The D Las Vegas. Defendant is in the process of responding to those written

discovery requests.

### **B. Remaining Discovery**

LR 26-3 also requires that a stipulation to extend discovery include a specific description of the discovery that remains to be completed. Due to the limited time (18 days) between the re-opening of discovery and the Initial Expert Disclosure deadline, and due to experts' unavailability because of the Memorial Day holiday, the parties need just a few more days to finalize their Initial Experts' reports. As of this Motion's filing, neither party has served a rebuttal expert report. The D Las Vegas still needs to take depositions of Meggs and his expert, which are being scheduled for early to mid-June. Plaintiff has not noticed any depositions. And, as discussed above, the parties are actively working through written discovery.

### **D. Proposed Discovery Schedule**

The parties agree to the following proposed discovery schedule:

<b>Event</b>	<b>Current Deadline</b>	<b>Proposed New Deadline</b>
Initial Expert Disclosure	May 28, 2024	June 4, 2024

All other deadlines in the Court's Order (ECF No. 22) would remain the same.

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**V. Conclusion**

Since the Court re-opened discovery on May 10, 2024, the parties have been diligently moving the case forward. They merely need a few additional days to finalize their experts' reports. Importantly, none of the other discovery deadlines will be impacted or delayed by this request. There is good cause to extend the Initial Expert disclosure deadline, and the parties therefore request that the Court grant this Stipulation to extend a single discovery deadline by only 7 days.

DATED this 28th day of May, 2024.

**DICKINSON WRIGHT PLLC**

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**ORDER**

IT IS SO ORDERED.

DATED: 5/31/2024

  
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Hon. Maximiliano D. Couvillier III  
UNITED STATES MAGISTRATE JUDGE